IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11110 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NATHABHAI MAVJIBHAI KOLI

Versus

STATE OF GUJARAT

Appearance:

MR HR PRAJAPATI for Petitioner

MR HH PATEL for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 06/02/2001

ORAL JUDGEMENT

#. This is another case in the series today wherefrom it is clearly borne out that deliberately lacunae are being left in the order by the detaining authority so that it may be easy for the petitioner detenu to get himself released from the Court. Not only this, the respondents

have also not care or bothered to file reply to the special civil application. That also shows that at this stage also they are supporting the petitioner so that there may not be any hurdle in his way to get himself relieved of this detention order.

#. This petition was admitted on 19th October, 2000, and more than three months have already passed but the respondents have not bothered to file reply to the special civil application. This Court while admitting the petition expected from the respondents to file their reply, if they so desire before the returnable date.

#. Manifold contentions have been raised by the learned counsel for the petitioner challenging the order of detention of the petitioner but as this petition deserves to be allowed only on one ground, it is not necessary to deal with all those contentions. Otherwise also, if that course is adopted then it will result in loss of the valuable and precious judicial time of this Court, which is already facing serious problem to overcome this heavy pendency of the matters.

#. In para (n) at page No.10 of the special civil application, the petitioner complained that the documents listed therein have not been supplied to him. As stated earlier, reply to the special civil application has not been filed by the respondents, and as a result thereof, this Court has no option except to accept whatever stated by the petitioner in para(n) of the petition to be correct. It is a case where the petitioner has been deprived of his valuable right of making effective representation as guaranteed to him under Article 22 (5) of the Constitution of India.

#. In the result, this petition succeeds and the same is allowed. The order of detention of the petitioner dated 18-9-2000 is quashed and set aside. The petitioner Nathabhai Mavjibhai Koli, detenu, at present in Vadodara Central Jail, Vadodara be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. No order as to costs.

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